



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

DMP:CRH/JMH/EHS  
F. #2017R00906

*271 Cadman Plaza East  
Brooklyn, New York 11201*

February 15, 2022

By ECF

The Honorable Pamela K. Chen  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Hu Ji, et al.  
Criminal Docket No. 21-265 (S-1) (PKC)

Dear Judge Chen:

The government respectfully writes to request an additional two-week adjournment of its deadline to file its in camera, ex parte submission pursuant to Section 4 of the Classified Information Procedures Act ("CIPA"), 18 U.S.C. § App. 3. The government's submission is currently due on February 25, 2022, and the requested extension would reset that deadline to March 11, 2022.

As explained more fully in the government's prior adjournment letter to the Court, the government's submission must include supporting declarations from senior government officials. See United States v. Abu-Jihad, 630 F.3d 102, 129 (2d Cir. 2010) (holding that CIPA filing must be filed with declaration of the "head of the department which has control over the matter, after actual personal consideration by that officer"). The government has completed its review of potentially discoverable classified material and has prepared a CIPA Section 4 memorandum for the Court's consideration. That memorandum and the supporting declarations, however, must be approved within the Department of Justice and finalized for submission to the Court. The government has been advised by officials within the Department that they will need an additional two weeks beyond the current deadline to provide the necessary approvals.

As previously noted, the government has proceeded, and will continue to proceed, with other pre-trial matters in this case without delay. The government timely filed its response to defendant Michael McMahon's motion to dismiss in January, is prepared to respond to other pre-trial matters, and continues to review and produce unclassified discovery to the defendants. The government also is still prepared to appear for the next status conference, which is currently scheduled for March 9, 2022.

For all of these reasons, the government respectfully requests that the Court adjourn the deadline for the government to file its submission pursuant to CIPA Section 4 from February 25, 2022 to March 11, 2022.

Respectfully submitted,

BREON PEACE  
United States Attorney

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cc: Counsel for Defendants (by ECF)  
Clerk of Court (PKC) (by ECF)